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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
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17 IN RE JUNIPER NETWORKS, INC.
SECURITIES LITIGATION
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CASE NO. 5:06-CV-04327-JW

DECLARATION OF DAVID M. FRIEDMAN
IN SUPPORT OF DEFENDANT ERNST &
YOUNG LLP'S MOTION FOR PROTECTIVE
ORDER REGARDING DEPOSITIONS AND
TO QUASH SUBPOENAS

Before: Hon. Patricia V. Trumbull

1 I, David M. Friedman, declare as follows:

2 1. I am an attorney at law, admitted to practice before the Court in the above
3 captioned matter. I am Counsel with the law firm of Latham & Watkins LLP, counsel for
4 Defendant Ernst & Young LLP (“EY”). In that capacity, I have personal knowledge of the facts
5 set forth herein and could and would testify competently thereto if called upon to do so.

6 2. Attached hereto as Exhibit A is a true and correct copy of an email from
7 Plaintiffs’ counsel to EY’s counsel with a subject “Additional depositions and proposals”
8 received on December 23, 2009.

9 3. I have been informed that EY witness Robert Browne is suffering from a
10 medical condition that prevents him from appearing at deposition.

11 4. Shortly after receiving Plaintiffs’ Additional depositions and proposals e-
12 mail attached as Exhibit A, I informed Plaintiffs that EY would produce Jeff Fong and Chris
13 Richardson for deposition, and that Robert Browne is unable to sit for a deposition due to a
14 medical condition. I informed Plaintiffs that should Mr. Browne’s health improve, we would
15 make him available for his deposition.

16 5. Attached hereto as Exhibit B is a true and correct copy of an email from
17 Plaintiffs’ counsel to EY’s counsel and Juniper Defendants’ counsel with a subject “Re:
18 Additional depositions and proposals” received on December 28, 2009.

19 6. In early January 2010, Plaintiffs and Juniper postponed the depositions of
20 Juniper witnesses in light of pending settlement discussions. Plaintiffs did not take three Juniper
21 depositions that they had requested before the amendment of the discovery plan (*i.e.*, Ken
22 Goldman, Luke Fewel, and Robert Calderoni), and they did not take any of the four Juniper
23 depositions they requested pursuant to the December 18, 2009 Order (the 30(b)(6) witness
24 regarding metadata, Robert Calderoni, Steve Morss, and Robert Gergughty).

25 7. Attached hereto as Exhibit C is a true and correct copy of an email from
26 Juniper’s counsel to EY’s counsel with a subject “Luke Fewel Postpone” received on January 11,
27 2010.

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1 8. Attached hereto as Exhibit D is a true and correct copy of an email from
2 Juniper's counsel to EY's counsel with a subject "FW: Ken Levy Deposition" received on
3 January 22, 2010.

4 9. Attached hereto as Exhibit E is a true and correct copy of an email from
5 Plaintiffs' counsel to EY's counsel with a subject "Cancellation of Deposition" received on
6 February 8, 2010.

7 10. On February 8, 2010, Counsel for the Juniper defendants informed the
8 Court that a tentative settlement had been reached.

9 11. Attached hereto as Exhibit F are true and correct copies of excerpts from
10 the transcript of the February 9, 2010 hearing before this Court.

11 12. Attached hereto as Exhibit G is a true and correct copy of an email from
12 Plaintiffs' counsel to EY's counsel with a subject "Juniper" received on February 11, 2010.

13 13. Attached hereto as Exhibit H is a true and correct copy of a Notice Of
14 Rule 30(b)(6) Deposition that Plaintiffs served on February 17, 2010.

15 14. Attached hereto as Exhibit I is a true and correct copy of a second Notice
16 Of Rule 30(b)(6) Deposition that Plaintiffs served on February 17, 2010.

17 15. Attached hereto as Exhibit J is a true and correct copy of a Notice Of
18 Subpoena To Third Party Emily Mau that Plaintiffs served on February 17, 2010.

19 16. Attached hereto as Exhibit K is a true and correct copy of a Notice Of
20 Subpoena To Third Party Mike Flint that Plaintiffs served on February 17, 2010.

21 17. Attached hereto as Exhibit L is a true and correct copy of a Notice Of
22 Subpoena To Third Party Michael S. Clark that Plaintiffs served on February 17, 2010.

23 18. Attached as Exhibit M is a true and correct copy of an excerpt of Juniper's
24 10-K for the fiscal year-end December 31, 2006, filed with the SEC on March 9, 2007.

25 19. Attached as Exhibit N is a true and correct copy of PCAOB Staff Audit
26 Practice Alert No. 1 Regarding Stock Option Grants, issued July 28, 2006.

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1 I declare under penalty of perjury under the laws of the state of California that the
2 foregoing is true and correct. Executed this 1st day of March, 2010, at San Francisco, California.

3 LATHAM & WATKINS LLP

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5 By /s/ David M. Friedman
6 David M. Friedman
7 Attorneys for Defendant
8 Ernst & Young LLP
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